SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT PETITION NO. 15959 OF 2001

BETWEEN

L. Gurumurthy

..... Petitioner

And

The Executive Officer,
Sri Varaha Lakshmi Narasimha Swamy Vari
Devasthanam, Simhachalam, Visakhapatnam & others.

.....Respondents

Counsel for the petitioner : Shri M. Vidya Sagar

Counsel for respondent No.1 : Shri M. Adinarayana Raju

Counsel for respondent Nos. 2 and 3: Government Pleader for Revenue.

Date: 21.09.2006

:: O R D E R ::

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed for issue of a mandamus to respondent No.2 – Sub-Registrar, Gopalapatnam, Visakhapatnam to register the sale document in respect of 265.05 square yards comprised in Survey No.275/1 B situated at Adavivaram Village, Visakhapatnam District.

In the counter filed by respondent No.2, the prayer of the petitioner has been opposed by relying on Section 22-A of the Registration Act, 1908 (for short 'the Act') as amended by Andhra Pradesh Amendment Act No.4 of 1999 and the Andhra Pradesh Registration (Prohibition of Registration of Certain Documents opposed to Pubic Policy) Rules, 1999 (for short 'the 1999 Rules').

We have heard learned counsel for the parties and perused the record.

By an order dated 07.12.2005 passed in Writ Petition No.14099 of 2003 – K. Ramadevi v. State of Andhra Pradesh, and batch, this Court struck down Section 22-A of the Act and Rule 2(b) of the 1999 Rules and petition for Special Leave to Appeal No.11984 of 2006 filed by the State of Andhra Pradesh against that order was dismissed by the Supreme Court on 11.08.2006.

In view of the above, the writ petition is allowed and the action of respondent No.2 not to register the sale document of the petitioner is declared illegal.

As a sequel to this, the registration of the document presented by the petitioner, in furtherance of order dated 03.08.2001 passed by the learned Single Judge in W.P.M.P.No.19978 of 2001 shall stand

regularized.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

21.09.2006
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